

Now, two other observations. The committee recommendation which you have before you now is, of course, important. It is a part of our task. It is important that the provisions be correct. It is not nearly so important that we be concerned with the niceties of language. I suggest to you that it was entirely proper for us to spend a great deal of time in debating "shall" and "may" and whether the words expressed exactly the thought that we were trying to express in the constitution itself because we were drafting a document that would stand for many years and would have to cover situations that we could not possibly foresee and think of. We had to try to think of all situations. That is not the situation with the schedule of transitional provisions or the schedule of legislation. While the schedule of transitional provisions cannot be changed or altered by the legislature, they are all of a temporary character so you are not concerned with unknown situations that might arise in the distant future. You are concerned only with temporary situations that exist, that you can foresee, that you can know about, and that have an existence for a period at most of three or four years.

I would therefore urge you not to take time either in asking questions or in suggesting changes that are purely stylistic unless there is real doubt as to the meaning. I do not think we need be concerned with that in this schedule. It is a terrifically long schedule. It is complicated. It is imperative that you understand it. But it is not necessary that we be so concerned about the refinement of the language as in the constitution itself.

This is even more true of the schedule of legislation. Remember that the schedule of legislation can be changed by the legislature the next day and, in addition to that, if there is even a grievous error in the schedule of legislation it is not calamitous. The legislature can correct it.

We are trying to include in the schedule of legislation only two categories of cases, one where there are provisions in the present constitution which, although in the constitution, are really statutory in character and we have omitted them. The legislature has not yet had an opportunity to enact these provisions as statutes so we do it for them temporarily.

The second category of cases occurs where, because of provisions we have inserted in the new constitution, the legislature cannot act by legislation because of

some prohibition for at least some period of time. Now there are two illustrations of this in the schedule. One is a provision fixing the salary of the members of the General Assembly. We have to put this in the legislation because we have provided in the constitution that the members of the General Assembly shall fix their own salaries, but have prohibited the members of the legislature from changing salaries for the term during which the salaries are fixed.

Unless we put something in the schedule, there will be no means by which the salary can be fixed for the term of the legislature in 1970.

Similarly, it is necessary that we put in a provision fixing the governor's salary for instance, because we have done two things. We have taken out of the constitution the provision fixing the governor's salary so unless we put it in the constitution, the governor would receive no salary. Secondly, we have provided in the constitution that the salary of the governor and other public officers cannot be increased during their term of office, so that we have effectively prevented the legislature, if an increase were deemed proper in the next three or four years, from making that increase unless we do it. Therefore, this kind of provision is essential.

Please keep in mind that the enabling act which defines the cases in which we are authorized to adopt legislation provides that we can adopt legislation which must be adopted before the next session of the legislature. It does not say before the next regular session of the legislature, so that you should not in considering the schedule of legislation be considering whether or not the legislature could act or should act before January 1969. If the legislature can act in May of 1968, then we have no authority to act.

Now, if you will keep these principles in mind I think that both the questioning and the deliberation will proceed much more rapidly.

At the suggestion of a number of delegates, we will depart from our usual practice. Instead of having sections or articles considered and then questions as to that, we will have the presentation of the entire schedule of the entire transitional provisions and the entire schedule of legislation before there are any questions. This will give you a bird's eye picture of the whole thing. The reason for this is that